

R156. Commerce, Occupational and Professional Licensing.

R156-53. Landscape Architects Licensing Act Rules.

R156-53-101. Title.

These rules are known as the "Landscape Architects Licensing Act Rules".

R156-53-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 53, as used in Title 58, Chapters 1 and 53 or these rules:

(1) "Employee" or "employee, subordinate, associate, or drafter" of a landscape architect, as used in Subsections 58-53-102(5) and 58-53-603(2) and these rules, means one or more individuals not licensed as a landscape architect who are working for, with, or providing landscape architect services under the supervision or direction of the licensed landscape architect.

(2) "Under the direction of the landscape architect" or "under the supervision of a licensee", as used in Subsection 58-53-102(5) and 58-53-603(2), means that the unlicensed employee, subordinate, associate, or drafter of the landscape architect engages in the practice of landscape architecture only on work initiated by the landscape architect, and only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, and authorization of the landscape architect.

(3) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 53 is further defined, in accordance with Subsections 58-1-203(5) and 58-53-102(7), in Section R156-53-401.

R156-53-103. Authority - Purpose.

These rules are adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 53.

R156-53-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-53-302a. Qualifications for Licensure - Education and Experience Requirements.

(1) In accordance with Subsections 58-53-302(1)(d)(i) and (ii), an applicant for licensure shall complete the following education or experience requirements:

(a) the bachelors or masters degree in landscape architecture shall be from a curriculum accredited by the Landscape Architectural Accreditation Board (LAAB); or

(b) the eight years of experience shall be full or part time employment for periods of time not less than ten weeks in length under the supervision of one or more licensed landscape architects.

(2) Current certification with the Council of Landscape Architectural Registration Boards (CLARB) is evidence of having completed the education and experience requirements set forth in Subsections (1)(a) and (b).

R156-53-302b. Qualifications for Licensure - Examination Requirements.

In accordance with Subsection 58-53-302(1)(e), an applicant for licensure shall pass the following examinations:

(1) the Landscape Architect Registration Examination (LARE) of the Council of Landscape Architectural Registration Boards; or

(2) the Uniform National Exam for Landscape Architects (UNE) of the Council of Landscape Architectural Registration Boards; and

(3) as part of the application for licensure, pass all questions on the open book, take home Utah Law and Rule Examination.

R156-53-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 53 is established by rule in

- (2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-53-401. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) submitting an incomplete final site plan to a client, when the licensee represents, or could reasonably expect the client to consider, the site plan to be complete and final;
- (2) submitting an incomplete final site plan to a building official for the purpose of obtaining a building permit; or
- (3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter.

R156-53-501. Administrative Penalties - Unlawful Conduct.

In accordance with Sections 58-1-501 and 58-53-501 and Subsection 58-1-501(1)(a) through (d), unless otherwise ordered by the presiding officer, the following fine schedule shall apply.

- (1) Engaging in unlicensed practice or using any title that would cause a reasonable person to believe the user of the title is licensed under this chapter.

First Offense: \$800

Second Offense: \$1,600

- (2) Engaging in, or representing oneself as engaged in the practice of landscape architecture as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure.

First Offense: \$800

Second Offense: \$1,600

- (3) Impersonating another licensee or engaging in practice under this chapter using a false or assumed name, unless permitted by law.

First Offense: \$1,000

Second Offense: \$2,000

- (4) Knowingly employing any person to practice under this chapter who is not licensed to do so.

First Offense: \$1,000

Second Offense: \$2,000

- (5) Knowingly permitting any person to use his license except as permitted by law.

First Offense: \$1,000

Second Offense: \$2,000

- (6) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount with a maximum amount not to exceed the maximum fine allowed under Subsection 58-53-502(1)(i)(iii).

- (7) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

- (8) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

- (9) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

R156-53-601. Landscape Architect Seal - Requirements.

In accordance with Section 58-53-601, all final site plans prepared by the licensee or prepared under the supervision or direction of the licensee, shall be sealed in accordance with the following:

- (1) Each seal shall be a circular seal, 1 1/2 inches minimum diameter.

- (2) Each seal shall include the licensee's name, license number, "State of Utah", and "Licensed Landscape Architect".

- (3) Each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint.

(4) Each original set of final site plans, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet.

(5) A seal may be a wet stamp, embossed, or electronically produced.

(6) Copies of the original set of site plans which contain the original seal, original signature and date is permitted if the seal, signature and date is clearly recognizable.

KEY: landscape architects, licensing

Date of Enactment or Last Substantive Amendment: August 15, 2006

Notice of Continuation: March 24, 2008

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-53-101

**LANDSCAPE ARCHITECTS
LICENSING ACT RULES**

R156-53
Utah Administrative Code
Issued August 15, 2006